

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:30.06.2006

CORAM:

THE HON'BLE MR. JUSTICE P. SATHASIVAM

AND

THE HON'BLE MR. JUSTICE V. DHANAPALAN

WRIT APPEAL NO.786 of 2006

and MP.No.1 of 2006

The Special Officer
C/2553 Kommeswaram Primary
Agricultural Co-operative Bank Ltd.,
Kommeswaram
Gangapuram Post, Ambur Via
Vellore District. ... Appellant

vs.

1. R. Munisamy
2. The Chairman-cum-Joint Registrar
of Co-operative Societies
Common Cadre Services Committee
Vellore. ... Respondents

Writ Appeal filed under Clause 15 of the Letters of Patent against the order of the learned Judge Mr. Justice Elipi Dharma Rao, dated 26.04.2006 made in WP.No.15752 of 2005 This Petition presented to this court under Article 226 of the Constitution of India to issue a Writ of Mandamus calling for the records on the file of the Respondent in connection with his order of Suspension in 6/2004 CCSC dated 22.12.2004 and quash the same and consequently to direct the respondent to allow the petitioner to function as Secretary.

For appellant : Mr. G. Sankaran

JUDGMENT

(Judgement of the Court was delivered by P. SATHASIVAM,J.)

Aggrieved by the order of the learned single Judge dated 26.04.2006 made in W.P.No.15752 of 2005, the Special Officer, C/2553 Kommeswaram Primary Agricultural Co-operative Bank Ltd., Kommeswaram, Vellore District has filed the above appeal.

2. First respondent herein aggrieved by the order of suspension dated 22.12.2004, approached this Court by way of Writ Petition No.15752 of 2005. While dismissing the said writ petition, after hearing both parties, including the Agricultural Co-operative Bank, second respondent therein, the learned Judge, noting that the enquiry proceedings have already been started, dismissed the said writ petition; however, directed the respondents therein to complete the enquiry within a period of three months from the date of receipt of copy of the order and also directed to pay subsistence allowance to the writ petitioner till such time as per the provisions of the Payment of Subsistence Allowance Act. Inasmuch as the learned Judge dismissed the writ petition filed by the first respondent herein and only directed the Bank to complete the enquiry within three months as well as to pay subsistence allowance as per the provisions of the Payment of Subsistence Allowance Act, we do not find any ground for interference, that too at the instance of the Bank. Hence, the appeal fails and the same is dismissed. No costs. Consequently, connected MP., is also dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

kh

To
The Chairman-cum-Joint Registrar
of Co-operative Societies
Common Cadre Services Committee
Vellore.

Writ Appeal No.786 of 2006

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Dt.30.06.2006